

United States District Court
For the Northern District of California

1
2
3
4
5

6 IN THE UNITED STATES DISTRICT COURT

7
8
9

FOR THE NORTHERN DISTRICT OF CALIFORNIA

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

GRACE C. BAUMGARTEN,

No. C 05-05221 WHA

Plaintiff,

v.

CALIFORNIA BOARD OF
EQUALIZATION,

**ORDER DENYING REQUEST
FOR APPOINTMENT OF
COUNSEL**

Defendant.

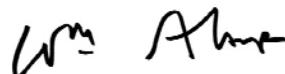
Plaintiff requests appointment of counsel in this Title VII employment-discrimination case. Under Title VII, a court has discretion to appoint counsel in such circumstances as it deems just. 42 U.S.C. 2000e-5(f)(1)(B). A court must evaluate: (1) whether the plaintiff demonstrates an inability to pay for private counsel; (2) plaintiff's efforts to secure counsel; and (3) whether the claims presented have merit. *Bradshaw v. Zoological Soc'y of San Diego*, 662 F.2d 1301, 1318 (9th Cir. 1981).

Even assuming plaintiff could satisfy the second and third factors of the *Bradshaw* analysis, plaintiff has not made a sufficient showing with respect to her lack of financial resources. Plaintiff's request may be denied on that ground alone. On December 22, 2005, this Court denied plaintiff *in forma pauperis* status in this case. In her application for *in forma pauperis* status, plaintiff indicated that her husband is employed by the San Francisco School

1 District and earns a gross salary of \$5,053 per month, a fact plaintiff omits from her December
2 16, 2005 letter. Plaintiff also indicated in her application that she and her husband own a house
3 worth an estimated market value of \$615,000, although plaintiff contends in her instant request
4 that the mortgage payments are cumbersome. Plaintiff is currently unemployed, but within the
5 past year she received disability benefits totaling a gross of \$3,550 per month according to her
6 *in forma pauperis* application. These facts evidence a lack of merit for appointment of counsel.
7 Plaintiff's request, therefore, is **DENIED**.

8

9 **IT IS SO ORDERED.**

10 

11 Dated: January 23, 2006

12

13 WILLIAM ALSUP

14 UNITED STATES DISTRICT JUDGE